

**A SUBSTITUTE ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 154, ARTICLE V, DIVISION IV, SECTION 297 OF THE ATLANTA CITY CODE OF ORDINANCES, ENTITLED "CITY OF ATLANTA GREASE MANAGEMENT ORDINANCE" (§ 154-297 *et seq.*) TO ADJUST WASTEWATER DISCHARGE PERMIT FEES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") is responsible for the management, operation, and maintenance of its sanitary and combined sewer system; and

WHEREAS, the City has experienced sewer overflows as a result of blockages caused by the discharge of fats, oils, and grease by food service, sales, and processing establishments throughout its sewer system; and

WHEREAS, in accordance with the First Amended Consent Decree, Grease Management Plan, the City adopted Ordinance 01-O-0038 January 23, 2001 to protect its sewer system from the damaging effects of the discharge of fats, oils, and grease; and

WHEREAS, 02-O-2090, adopted by City Council September 2, 2003 and approved by the Mayor September 10, 2003, increased the wastewater discharge permit fees to recover costs incurred by the City in the administration of the Grease Management Ordinance; and

WHEREAS, fees should be increased to recover costs incurred by the City in the administration of the ordinance,

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1: That Section 154-297.02 of the Atlanta City Code shall be amended to read as follows:

Sec. 154-297.02 Food service establishment (grease trap) regulations/existing installations.

- (a) *Permit required.* The owner or operator (hereinafter called the user) of a food processing, sales, or service establishment which discharges wastewater into the city's sewer collection system, installed before the adoption of the section, shall obtain a food service wastewater discharge permit. This permit shall be obtained prior to the issuance of any business license issued by the city. Failure to obtain the food service wastewater discharge permit shall be grounds for revocation or denial of the city business license.

- (1) There will be a fee for a food service wastewater discharge permit as set forth in the schedule below.

Number of Grease Traps	Food Service Wastewater Discharge Permit Fee
0—5	\$350.00
6—10	700.00
11—15	1,050.00
16—20	1,400.00
21—25	1,750.00
26—30	2,100.00
31—35	2,450.00
36—40	2,800.00
41—45	3,150.00
46—50	3,500.00
51—55	3,850.00
56—60	4,200.00

For each five additional traps in excess of 60 traps, the maximum food service wastewater discharge permit fee shall be increased by \$350.00.

- (2) Services and related fees.

- (a) A re-inspection fee of one hundred dollars (\$100.00) for each grease trap shall be charged for any facility that fails any grease trap inspection, in addition to any fines that may be imposed by the courts for any other violations as provided in this section.

Service	Fee
Re-inspection	100.00 per trap

- (b) A plan review fee of one hundred twenty-five dollars (\$125.00) shall be charged for review of plans for grease trap installation of up to 5 traps. For each additional trap in excess of 5, the cost is \$25.00 per trap.

Service	Fee
Plan Review (1-5 traps)	125.00
Each additional trap in excess of 5	25.00

- (3) The commissioner will evaluate these fees annually, based on the cost to the city of operation and maintenance, and adjust such fees administratively to ensure full cost recovery; provided however, a fee adjustment of less than ten percent per

year shall not require approval of the city council. Any such fee adjustment shall be posted in the office of the municipal clerk and permittees shall be given written notice prior to the time for renewal of annual permits.

- (4) Application. All information requested in the food service wastewater discharge Permit application shall be certified by the applicant as true and complete prior to review for approval. The application shall apply to all grease traps located at the same facility having the same street address and operated by the same owner and/or management (referred to as "user"). Each grease trap shall be identified by a unique identifier selected and noted in the application by the user. The commissioner shall review completed applications for approval within 30 days of receipt.
- (5) Permit conditions may include, but are not limited to, the following:
 - a. Permit duration;
 - b. Permit fee;
 - c. Permit non-transfer;
 - d. Frequency of inspection;
 - e. Pretreatment requirements;
 - f. Maintenance requirements;
 - g. Limitations on time or rate of discharge;
 - h. Compliance schedules;
 - i. Requirements for maintenance of records and submission of reports;
 - j. Statement of permission to the commissioner and other duly authorized employees of the city, to enter upon the user's property without prior notification for the purposes of inspection, observation, photography, records examination and copying, measurement, sampling or testing; and/or;
 - k. Other conditions deemed necessary by the commissioner to ensure compliance with this article or other applicable ordinances, laws, or regulations.
- (6) Denial of permit. If a permit for a location is denied, the applicant will be notified within 60 calendar days of the commissioner's determination to deny the application.

- a. *Notification.* The applicant will be advised in writing of the specific cause for the denial.
 - b. *Process.* An applicant who is denied a permit under this article shall have the right to appeal such denial to the mayor. The appeal shall be filed within three business days after the notice of denial is received.
- (b) Replacement of an existing grease trap shall be subject to the standards applicable to new installation of a grease trap set out in this section, unless otherwise approved by the commissioner pursuant to other authority set out in Part 154 of the Code.

SECTION 2. That fees listed in this section shall be established by City Council from time to time and may appear in Appendix B of the Atlanta City Code entitled, "Fees."

SECTION 3. That the effective date of fees increased by this ordinance shall be the first day of the month of the next billing period following adoption by the Council and approval by the Mayor.

SECTION 4. All Food Service Wastewater Discharge Permit fees and re-inspection fees collected in accordance with §§ 154-297.02(a)(1) and 154-297.02(a)(2)(a) shall be deposited to the Water/Sewer Enterprise Fund in the following fund: 5051-000002-3442701—Grease Permits, or as otherwise directed by the Chief Financial Officer.

SECTION 5. All plan review fees collected in accordance with § 154-297.02(a)(2)(b) shall be deposited to the Water/Sewer Enterprise Fund in the following fund: 5051-000002-3442703-0000000, Site Development Plan Review, or as otherwise directed by the Chief Financial Officer.

SECTION 6. All fines collected by the City of Atlanta Municipal Court for violation of the City of Atlanta Grease Management Ordinance (§ 154-297 *et seq.*) shall be deposited to the Water/Sewer Enterprise Fund in the following fund: 5051-000002-3519001 or as otherwise directed by the Chief Financial Officer.

SECTION 7. That this ordinance shall be effective upon approval by the Mayor or upon its becoming law without the Mayor's approval.

SECTION 8. That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict.

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

10- O -0939

**AN ORDINANCE TO AMEND CHAPTER 154, ARTICLE V, DIVISION
IV, SECTION 297 OF THE ATLANTA CITY CODE OF ORDINANCES,
ENTITLED "CITY OF ATLANTA GREASE MANAGEMENT
ORDINANCE" (§ 154-297 *et seq.*) TO ADJUST WASTEWATER
DISCHARGE PERMIT FEES; AND FOR OTHER PURPOSES.**

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For each five additional traps in excess of 60 traps, the maximum fee shall be increased by \$350.00.

- (2) Services and related fees.
- (a) A re-inspection fee of one hundred dollars (\$100.00) for each grease trap shall be charged for any facility that fails any grease trap inspection, in addition to any fines that may be imposed by the courts for any other violations as provided in this section.
- (b) A plan review fee of one hundred twenty-five dollars (\$125.00) shall be charged for review of plans for grease trap installation.

Service	Fee
Plan Review	125.00
Re-inspection	100.00

- (3) The commissioner will evaluate these fees annually, based on the cost to the city of operation and maintenance, and adjust such fees administratively to ensure full cost recovery; provided however, a fee adjustment of less than ten percent per year shall not require approval of the city council. Any such fee adjustment shall be posted in the office of the municipal clerk and permittees shall be given written notice prior to the time for renewal of annual permits.

- (4) **Application.** All information requested in the food service wastewater discharge Permit application shall be certified by the applicant as true and complete prior to review for approval. The application shall apply to all grease traps located at the same facility having the same street address and operated by the same owner and/or management (referred to as "user"). Each grease trap shall be identified by a unique identifier selected and noted in the application by the user. The commissioner shall review completed applications for approval within 30 days of receipt.
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 - j. Statement of permission to the commissioner and other duly authorized employees of the city, to enter upon the user's property without prior notification for the purposes of inspection, observation, photography, records examination and copying, measurement, sampling or testing; and/or;
 - k. Other conditions deemed necessary by the commissioner to ensure compliance with this article or other applicable ordinances, laws, or regulations.
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SECTION 2. That fees listed in this section shall be established by City Council from time to time and may appear in Appendix B of the Atlanta City Code entitled, "Fees."

SECTION 3. That the effective date of fees increased by this ordinance shall be the first day of the month of the next billing period following adoption by the Council and approval by the Mayor.

SECTION 4. All fees and fines collected in accordance with this ordinance shall be deposited to the Water/Sewer Enterprise Fund in the following fund, center, and account: 5051, 170604, 3442701 Permits, Grease.

SECTION 5. That this ordinance shall be effective upon approval by the Mayor or upon its becoming law without the Mayor's approval.

SECTION 6. That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: AN ORDINANCE TO AMEND CHAPTER 154, ARTICLE V, DIVISION IV, SECTION 297 OF THE ATLANTA CITY CODE OF ORDINANCES, ENTITLED "CITY OF ATLANTA GREASE MANAGEMENT ORDINANCE" (§ 154-297 *et seq.*) TO ADJUST WASTEWATER DISCHARGE PERMIT FEES; AND FOR OTHER PURPOSES.

Council Meeting Date: June 7, 2010

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to AMEND CHAPTER 154, ARTICLE V, DIVISION IV, SECTION 297 OF THE ATLANTA CITY CODE OF ORDINANCES, ENTITLED "CITY OF ATLANTA GREASE MANAGEMENT ORDINANCE" (§ 154-297 *et seq.*) TO ADJUST WASTEWATER DISCHARGE PERMIT FEES; AND FOR OTHER PURPOSES.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The City is required by the First Amended Consent Decree, Grease Management Plan, to protect its sewer system from the damaging effects of the discharge of fats, oils, and grease. The wastewater discharge permit fees have not been adjusted since 2003. The proposed fee increase is from \$300 per grease trap to \$350 per grease trap in a tiered structure (see attached ordinance for fees in chart form and explanation of tiered structure). This change is in response to regulatory requirements, city staffing levels, and rising costs. The ordinance also proposes a new fee of \$125.00 for grease trap installation plan review.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (Ex. Name and number):

Fund: 5051 Account: 170604 Center: 3442701

5. Source of Funds: *Example: Local Assistance Grant* Inspection Fees, Plan Review Fees and Permit Fees

6. Fiscal Impact: There will be an approximate increase in revenue of \$100,250.00 per year.

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Kenna Laslavic

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Chief of Staff

Dept.'s Legislative Liaison: _____ Maisha L. Wood _____

Contact Number: _____ (404) 330-6887 _____

Originating Department: _____ Department of Watershed Management _____

Committee(s) of Purview: _____ City Utilities _____

Chief of Staff Deadline: _____ May 11, 2010 _____

Anticipated Committee Meeting Date(s): _____ June 1, 2010 _____

Anticipated Full Council Date: _____ June 7, 2010 _____

Legislative Counsel's Signature: _____ Marc Donohue _____

Commissioner Signature: _____ Robert J. Hunter Jr. _____

Chief Procurement Officer Signature: _____ n/a _____

CAPTION

AN ORDINANCE TO AMEND CHAPTER 154, ARTICLE V, DIVISION IV, SECTION 297 OF THE ATLANTA CITY CODE OF ORDINANCES, ENTITLED "CITY OF ATLANTA GREASE MANAGEMENT ORDINANCE" (§ 154-297 *et seq.*) TO ADJUST WASTEWATER DISCHARGE PERMIT FEES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): n/a

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 5/20/10 Camille Reviewed by: _____
(date) (date)

Submitted to Council: _____
(date)